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Award Fee
5-21-04

Remarks

Office Action dated April 21, 2004 rejects claims 1-5, 8-11, 14, 16, 18, 21, and 23, and objects to claims 6, 7, 12, 13, 15, 17, 19, 20, 22 and 24. In response, all claims remain unamended. Applicant respectfully requests consideration of the following response to arguments presented in the final Office Action against patentability of the claims. Applicant further respectfully requests either withdrawal of the rejection of the claims or issuance of an Advisory Action to clarify the issues in preparation for Appeal.

Claim 1 is rejected as anticipated by U.S. Pat. No. 6,094,733 to Momohara (herein "the Momohara patent"). The Final Office Action maintains that the Momohara patent discloses a hierarchical program structure including a measurement level, a test level and a procedure level as claimed. Applicant maintains that it does not. Final Office Action proposes, "Applicant did not define 'hierarchical program' in the Specification, according to PTO practice the ordinary term of 'hierarchical program' is used, and the regular meaning of 'hierarchical' means 'related to' according to Merriam Webster online dictionary". In response, Applicant points out the definition of the noun, "hierarchy", as